

I urge my colleagues to support this bill.

Mr. OXLEY. Mr. Speaker, the legislation the House considers today represents the Financial Services Committee's continuing efforts to modernize America's laws so that they promote economic growth and the free market. Today's legislation is but one of many needed reforms to ensure that outdated thinking doesn't stifle the competitive forces of markets, and the changes made by H.R. 1009 are long overdue.

Under current law, small businesses are the only entities which must leave their capital lying idle in non-interest bearing accounts. The Business Checking Freedom Act of 2002 corrects this problem. This change is simply common sense, which is why a similar measure sponsored by Representative KELLY was passed by this body over a year ago. Unfortunately, as has been the case with so many important reforms passed by the House this Congress, the other body has refused to take up Representative KELLY's bill for consideration. While the other body waits, millions of small businesses across America are denied the opportunity to earn interest, which they could put towards hiring more workers and improving their operations.

H.R. 1009 is an important reform that will have tangible effects on our economy. That's why the President included these reforms in his plan for revitalizing small business and entrepreneurship. It is also why Federal Reserve Chairman Alan Greenspan supports this bill. By passing this legislation today the House will continue to demonstrate its leadership in improving our laws to reflect the realities of the 21st century.

Mr. Speaker, it is time for the other body to follow our lead. I thank Representative TOOMEY for his outstanding leadership in this area. His efforts will help small businessmen and women across America, and as Chairman of the Financial Services Committee I am grateful. I urge all of my colleagues to support H.R. 1009.

Mr. TOOMEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Pennsylvania (Mr. TOOMEY) that the House suspend the rules and pass the bill, H.R. 1009, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1836

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. BIGGERT) at 6 o'clock and 36 minutes p.m.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. PHELPS. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer the following motion to instruct House conferees tomorrow on H.R. 2646.

The form of the motion is as follows: Mr. PHELPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, be instructed to agree to the provisions contained in section 1071 of the Senate amendment, relating to reenactment of the family farmer bankruptcy provisions contained in chapter 12 of Title 11, United States Code.

Madam Speaker, I plan to offer this motion with the gentleman from Pennsylvania (Mr. HOLDEN).

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Journal vote, de novo;

House Resolution 377, by the yeas and nays;

H.R. 3958, by the yeas and nays;

House Resolution 363, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### THE JOURNAL

Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 43, answered “present” 1, not voting 29, as follows:

Abercrombie  
Ackerman  
Akin  
Allen  
Andrews  
Armey  
Baca  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett  
Bartlett  
Barton  
Bass  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Bryant  
Burr  
Callahan  
Camp  
Cantor  
Capito  
Capps  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clay  
Clayton  
Clyburn  
Coble  
Combest  
Conyers  
Cooksey  
Cox  
Coyne  
Cramer  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeGette  
DeLaunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Doggett  
Dooley  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
Eshoo

[Roll No. 80]  
YEAS—361

Etheridge  
Evans  
Farr  
Fattah  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Herger  
Hill  
Hilleary  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Knollenberg  
Kolbe  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Larson (CT)  
LaTourette  
Leach

Lee  
Levin  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markley  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
Meehan  
Meek (FL)  
Meeks (NY)  
Millender  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Mink  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Obey  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Pomeroy  
Portman  
Price (NC)  
Putnam  
Quinn  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryun (KS)  
Sanchez

Sanders  
Sandlin  
Sawyer  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)

Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Stump  
Stupak  
Sullivan  
Sununu  
Tanner  
Tauscher  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey

Towns  
Turner  
Upton  
Velazquez  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wexler  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)

## NAYS—43

Aderholt  
Brady (PA)  
Capuano  
Condit  
Costello  
Crane  
DeFazio  
Dingell  
English  
Everett  
Filner  
Green (TX)  
Gutknecht  
Hefley  
Hilliard

Kennedy (MN)  
Kucinich  
Larsen (WA)  
Latham  
LoBiondo  
McDermott  
McNulty  
Menendez  
Miller, George  
Moore  
Oberstar  
Oliver  
Peterson (MN)  
Pombo  
Sabo

Schaffer  
Slaughter  
Strickland  
Sweeney  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Udall (CO)  
Udall (NM)  
Visclosky  
Weller  
Whitfield  
Wicker

## ANSWERED "PRESENT"—1

Tancredo

## NOT VOTING—29

Becerra  
Blagojevich  
Borski  
Brown (FL)  
Burton  
Buyer  
Calvert  
Cannon  
Clement  
Collins

Doyle  
Fossella  
Gephardt  
Gutierrez  
Hulshof  
Hunter  
Jones (NC)  
Lewis (CA)  
McKinney  
Mica

Mollohan  
Platts  
Pryce (OH)  
Radanovich  
Riley  
Ryan (WI)  
Sessions  
Traficant  
Young (FL)

□ 1909

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). At a certain time during this vote, some voting stations were temporarily inoperative. The Chair urges all Members to verify their votes prior to the Chair's announcement of the result.

□ 1909

So the Journal was approved.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair's prior announcement on voting on House Resolution 363 is corrected to postpone that yea and nay vote until tomorrow.

There will now be two 5-minute votes.

## RECOGNIZING ELLIS ISLAND MEDAL OF HONOR AND COMMENDING NATIONAL ETHNIC COALITION OF ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and agreeing to the resolution, H. Res. 377.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 377, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 31, as follows:

[Roll No. 81]

## YEAS—403

Abercrombie  
Ackerman  
Aderholt  
Akin  
Allen  
Andrews  
Armey  
Baca  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett  
Barrett  
Barton  
Bass  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Bryant  
Burr  
Callahan  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clay  
Clayton  
Clyburn  
Coble  
Combest  
Condit  
Conyers  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)

Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard

Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Horn  
Hostettler  
Houghton  
Hunter  
Hyde  
Inslie  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui

McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, George  
Miller, Jeff  
Mink  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts

Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Putnam  
Quinn  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schakowsky  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)

Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)

## NOT VOTING—31

Becerra  
Blagojevich  
Borski  
Brown (FL)  
Burton  
Buyer  
Calvert  
Cannon  
Clement  
Collins  
Doyle

Fossella  
Gephardt  
Gutierrez  
Hoyer  
Hulshof  
Jones (NC)  
Lewis (CA)  
McKinney  
Mica  
Mollohan  
Pryce (OH)

Radanovich  
Riley  
Ryan (WI)  
Sessions  
Traficant  
Velazquez  
Waters  
Watson (CA)  
Young (FL)

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT ACT OF 2002

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 3958, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and